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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,181	03/10/2004	Kenji Tani	1560-0411P	3272

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EXAMINER

SARPONG, AKWASI

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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01/13/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/796,181	Applicant(s) TANI ET AL.	
	Examiner AKWASI M. SARPONG	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because: the arguments presented by the applicant was not persuasive

Regarding Claim 1 applicant argues that the cited references fails to establish a prima facie case of obviousness because hirano in view of huang fails to disclose

"extracting a specific color portion of the received color image data, when the authentication is not completed, and deleting the extracted specific color portion from the received color image data" and

"the color image data comprises a plurality of colors, and consists of the specific color portion and a non-specific color portion other than the specific color portion;

the specific color portion is represented by a specific color among the plurality of colors"

In reply, Examiner respectfully disagree because Hirano discloses very clearly

extracting a specific color portion of the received color image data, when the authentication is not completed and deleting the extracted specific color portion from the

received color image data, (Section 0489, thus if the user's authentication is not complete then the secret information (Specific color portion) is concealed)

(NB: Understand that the secret information portion has to be extracted before it can be deleted or concealed and it is inherent that, in printing, the image data/secret information will be represented by at least one color (e.g., C or Y or M or K) that is the ink that was deposited onto a print medium or paper; therefore extracting the secret information also means extracting the color ink information that was used for printing onto the print medium or other wise, the color ink will be printed if not extracted)

Hirano does not disclose that the color image data comprises a plurality of colors, and consists of the specific color portion and a non-specific color portion other than the specific color portion,

the specific color portion is represented by a specific color among the plurality of colors.

the non-specific color portion is represented by a non-specific color, other than the specific color, among the plurality of colors.

Huang disclose that the color image (Col. 13 lines 31-33- thus the bill of lading is the whole color image) data comprises a plurality of colors, (Col. 13 lines 42-45- thus bill of lading definitely has more than 2 color namely either RGB or CMYK)

and consists of the specific color portion (Optical Watermark as described in Col. 13 lines 41-45) and a non-specific color portion (the other part of document 605 shown in Fig. 6- please see Col. 13 lines 35-40) other than the specific color portion (NB. The optical watermark is different from the other part of the document)

the specific color portion is represented by a specific color among the plurality of colors. (Col. 13 lines 40-45- thus the colors represented within the document for example can be CMYK and RGB and it is clear that the optical watermark)

the non-specific color portion (the other part of document 605 shown in Fig. 6- please see Col. 13 lines 35-40) is represented by a non-specific color, (Part of the colors outside the watermark portion of the bill of lading clearly has some colors- please see Col. 13 lines 40-46) other than the specific color, among the plurality of colors (NB. The optical watermark is different from the other part of the document).

Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Hirano's image data to include Huang's pluralities of colors such as RGB and CMYK so that the secret information can be distinguished from the non-secret information. The motivation for the modification is to prevent forging of some confidential document as such bill of lading or a check.

applicant also argues that the motivation is clearly deficient and unreasonable

In reply examiner respectfully disagree because the inclusion of a plurality of colors within the document makes it difficult for unauthorised users either to forge the document. There have been many different invention to solve the problem of forgers forging registered documents such as checks.

Also in page 26, applicant argues that the cited references fails to disclose that the secret information corresponds to any specific color among a plurality of colors. Applicant further argues that Haung does not involve secret and non-secret information.

In reply Examiner respectfully disagree because Haung clearly in Col. 13, lines 41-45 that the optical watermark (secret information) can be applied to a document in more than one color-hence the watermark (secret information) is a plurality of colors.

Applicant argues in page 27 that the motivation for the combination is not advantageous and Examiner respectfully disagree because providing a technology to prevent unauthorised user from getting hold of a private document is definatly advantageous. .